

**UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS**

**Charles Mendes,  
Plaintiff**

**V.**

**United States of America,  
Defendant**

## Civil Action

**No. 05-10912-DPW**

## JOINT SCHEDULING STATEMENT

Now comes the parties in the above captioned matter and respectfully submits this joint proposed scheduling statement.

### 1. Beginning of Unrestricted Discovery

Completion of automatic discovery and commencement of unrestricted discovery  
on September 16, 2005.

## 2. Designation of Plaintiff's Expert Testimony

Complete designation of expert testimony (including complete answers to expert interrogatories and/or completion of Rule 26 expert materials if required) on or before February 17, 2006

### 3. Designation of Defendant's Expert Testimony

Complete designation of expert testimony (including complete answers to expert interrogatories and/or completion of Rule 26 expert materials if required) on or before March 17, 2006.

4. All Dispositive Motions

All dispositive motions to be filed on or before May 12, 2006.

5. Close of Discovery

All discovery to be concluded on or before April 14, 2006.

6. Final Pretrial Conference

Final pretrial conference to be held on some date on or after June 9, 2006.

7. Deposition Testimony to be Used in Lieu of Trial Testimony

The Parties reserve the right to take de bene esse depositions of witnesses who will be unavailable for trial, at any time up to and including the last Friday preceding the date of trial.

8. Ready for Trial

The parties will be prepared for trial in this matter on or after June 16, 2006.

Plaintiff and Defendant attorneys affirmatively state that they have discussed the probable budget for prosecuting and defending this action with their clients and the signature of the Plaintiff and Defendant will follow.

Respectfully submitted for the  
Plaintiff, Charles Mendes,  
by his attorney,

/s/ Carolyn M. Latti  
Carolyn M. Latti, BBO 567394  
Latti & Anderson LLP  
30-31 Union Wharf  
Boston, MA 02109  
(617) 523-1000

Respectfully submitted for the  
Defendant, UNITED STATES OF AMERICA,  
by its attorneys,

/s/ Kenneth M. Chiarello  
Thomas J. Muzyka, BBO #365540  
Kenneth M. Chiarello  
Clinton & Muzyka, P.C.  
One Washington Mall, Suite 1400  
Boston, MA 02108  
(617) 723-9165

Dated: August 11, 2005

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2005, I electronically filed Joint Scheduling Statement with the Clerk of the Court using CM/ECF system which will send notification of such filing(s) to the following:

Thomas J. Muzyka,  
Kenneth M. Chiarello  
Clinton & Muzyka, P.C.  
One Washington Mall, Suite 1400  
Boston, MA 02108

Respectfully submitted for the  
the Plaintiff,

/s/Carolyn M. Latti  
Carolyn M. Latti  
Latti & Anderson LLP  
30-31 Union Wharf  
Boston, MA 02109  
617-523-1000  
clatti@lattianderson.com